

HOUSE BILL NO. 356

INTRODUCED BY B. WAGNER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE USE OF PORTABLE SCALES; REQUIRING PORTABLE SCALES TO BE USED ON ENGINEERED SITES; DEFINING "ENGINEERED SITE"; AND AMENDING SECTIONS 61-10-141 AND 61-10-144, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-10-141, MCA, is amended to read:

"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads --

definition. (1) (a) A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except recreational vehicles, travel trailers, or motor homes, by means of either portable scales used on an engineered site or stationary scales, ~~and~~ The peace officer, officer of the highway patrol, or employee of the department of transportation may require that the vehicle be driven to the nearest stationary scales or engineered site for use of portable scales if those stationary scales or an engineered site ~~are~~ is within 2 miles.

(b) If it is determined in the weighing process that the maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 have been exceeded, the peace officer, officer of the highway patrol, or employee of the department of transportation may then require the driver to unload at a designated facility that portion of the load necessary to decrease the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. If the excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the load can be safely reduced to legal limits.

(2) Commodities and material unloaded as required by this section must be cared for by the owner or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as required by this section may not be left on the highway right-of-way.

(3) The department of transportation may establish, maintain, and operate weigh stations, either intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup trucks

under 14,000 pounds GVW and recreational vehicles that are not new or used recreational vehicles traveling into or through Montana for delivery to a distributor or a dealer, to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety requirements. The department may require vehicles over 10,000 pounds to be inspected and weighed by portable scale crews when the portable scales are used on an engineered site.

(4) For the purposes of this section, "engineered site" means:

(A) a turnout designed and constructed by the department of transportation that has indents in the pavement to level portable scales; OR

(B) A SITE WHERE LEVELING PADS CAN BE USED IN STRICT ACCORDANCE WITH ALL OF THE MANUFACTURER'S MANUALS AND SPECIFICATIONS."

Section 2. Section 61-10-144, MCA, is amended to read:

"61-10-144. Violation of standards -- tolerance. (1) It is a misdemeanor for a person, firm, or corporation to violate any provision of 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.

(2) The operator of a vehicle or combination of vehicles may move over the highways to the first open ~~state stationary scale, permanent~~ or portable scale on an engineered site, as defined in 61-10-141(4), without incurring the excess weight penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable total gross weight limitations by more than 10% and if the weight carried by any axle or combination of axles does not exceed the allowable axle weight limitations by more than 10%. If the vehicle or combination of vehicles is not in excess of the allowable total gross or axle weight limitations by more than 10%, the department may issue a single trip permit for the fee of \$10, allowing the vehicle or combination of vehicles to move over the highways to the first facility where its load can be safely adjusted or to its destination. Violations of total gross or axle weight limitations in excess of 10% are subject to the fines provided in 61-10-145, and all loads in excess of 10% of the total gross or axle weight limitations:

(a) may be required to be adjusted or reduced to conform to the size and weight limitations before the vehicle or combination of vehicles is moved from the point of weighing; or

(b) may be issued a permit as authorized by 61-10-141.

(3) Farm vehicles transporting agricultural products from a harvesting combine or other harvesting machinery may be operated on any highway, except a highway that is part of the federal-aid interstate system, within a 100-mile radius of the harvested field to the point of first unloading without incurring excess weight

1 penalties under 61-10-145 if the total gross weight of the farm vehicle or combination of vehicles does not exceed
2 allowable weight limitations by more than 20% for each axle and the maximum load for each inch of tire width
3 does not exceed 670 pounds. A single trip permit, as required in subsection (2), is not applicable to the farm
4 vehicle or combination of vehicles. When a farm vehicle or combination of vehicles violates any of the provisions
5 of this subsection, the fine or penalty imposed applies to that portion of the load above the legal limit."

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